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EXAMINER

MEUCCI, MICHAEL D

ART UNIT PAPER NUMBER

2142

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,618

Applicant(s)

MARKKI ET AL.

Examiner

Michael D. Meucci

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-37 and 39-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-37 and 39-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the request for reconsideration filed 21 April 2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 8, 10, 15, 32-35, 37, 39, 41, and 46 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman et al. (U.S. 6,400,810 B1) hereinafter referred to as Skladman in view of Bain et al. (U.S. 6,288,715 B1) hereinafter referred to as Bain.

a. As per claims 1 and 32, Skladman teaches: displaying to said user, in accordance with one or more specified criteria, one or more notifications corresponding to one or more events known by a node of said user, wherein each of said notifications describes one or more of said events (abstract and lines 39-32 of column 1);

Skladman does not explicitly teach: displaying is performed while user interface of said node is displaying a screensaver; capturing a visual state of said displaying, wherein portions of the captured visual state correspond to one or more of said events; displaying the captured visual state to the user; and enabling said user to select one or more of said portions of the captured visual state for activating corresponding operations. However, Bain discloses: "Included in the memory is a screensaver

communications program. Part of the screensaver program is a display graphic for a dialogue box which may be displayed on a computer screen after a predetermined period of inactivity for the computer. The dialogue box may include designated areas for typing in information such as a title for the message, a name of a person leaving the message, as well as the message itself. The dialogue box may also be displayed for typing in a password such that the computer user may deactivate the screensaver and resume normal functions for the computer. Further, a hot key may be assigned on the keyboard for selective activation and deactivation of the screensaver function," (line 59 of column 1 through line 4 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the displaying performed while user interface of said node is displaying a screensaver; capturing a visual state of said displaying, wherein portions of the captured visual state correspond to one or more of said events; displaying the captured visual state to the user; and enabling said user to select one or more of said portions of the captured visual state for activating corresponding operations. "A connection may be provided between the screensaver program and the data network. E-mail functionality is incorporated into the program, and through use of this, e-mail messages with a destination address may be transmitted by the screensaver program over the network. The screensaver program further includes the functionality to convert alpha-numeric messages typed in the dialogue box to the appropriate format for transmission," (lines 5-12 of column 2 in Bain). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the displaying performed while user interface of said node

is displaying a screensaver; capturing a visual state of said displaying, wherein portions of the captured visual state correspond to one or more of said events; displaying the captured visual state to the user; and enabling said user to select one or more of said portions of the captured visual state for activating corresponding operations in the system as taught by Skladman.

b. As per claims 2 and 33, Skladman teaches: one or more of said events relate to software accessible by said node (line 48 of column 3 through line 34 of column 4).

c. As per claims 3 and 34, Skladman teaches: one or more of said events relate to one or more messages received by said node (abstract and lines 39-32 of column 1).

d. As per claims 4 and 35, Skladman teaches: one or more of said messages correspond to one or more entities (lines 49-62 of column 1 and lines 21-34 of column 2).

e. As per claims 6 and 37, Skladman teaches: two or more of said notifications are displayed simultaneously to said user (lines 44-49 of column 6 and Fig. 5).

f. As per claims 8 and 39, Skladman teaches: one or more of said notifications are textual notifications (lines 42-48 of column 1).

g. As per claims 10 and 41, Skladman teaches: said criteria are provided by said user (lines 21-34 of column 2).

h. As per claims 15 and 46, Skladman teaches: activating software corresponding to a selected notification (lines 20-34 of column 4).

4. Claims 5 and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman and Bain as applied to claims 3 and 34 respectively, in view of Kaars (U.S. PG Pub. 2002/0059384 A1).

Skladman does not explicitly teach one or more of said messages correspond to chat. However, Kaars discloses: "A user who has installed an IM program is set up for a communications service that enables to create a private chat room with another individual," (paragraph [0005] on page 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have messages corresponding to chat. "A chat room is a channel that creates a peer-to-peer communication data path, e.g., for text messaging or (PC) video conferencing. Typically, the instant messaging system alerts the user whenever another individual on the user's private chat list is online. The user can then initiate a chat session with that particular individual," (paragraph [0005] on page 1 in Kaars). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have one or more of said messages correspond to chat in the system as taught by Skladman.

5. Claims 9 and 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman and Bain as applied to claims 1 and 32 respectively, in view of Reed et al. (U.S. 5,862,325) hereinafter referred to as Reed.

Skladman does not explicitly teach one or more of said notifications are graphical notifications. However, Reed discloses: "Notification methods may trigger any method operation available to the consumer program 22. Other examples include sending messages to other applications running on the consumer machine 2; sending messages to the consumer's operating system to trigger dialog boxes or trigger other system events; creating or controlling a screensaver display on the consumer machine 2; creating or controlling a background desktop graphic or set of graphics on the consumer machine 2; and sending voicemail to the recipient," (lines 17-26 of column 66).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have one or more of said notifications as graphical notifications. "Notification methods 141 can also be assigned to communications objects as a whole. For example, notification about new communications objects can be controlled through a NewObjectNotify method of the global preferences instance (103, FIG. 3). Described further above, the use of the NewObjectNotify method is illustrated in steps 704-706 of FIG. 15. Notification at the object level is also useful for certain communications object updates," (lines 30-37 of column 66 in Reed). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have one or more of said notifications as graphical notifications in the system as taught by Skladman.

6. Claims 11 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman and Bain as applied to claims 1 and 32 respectively, in view of Dillon (U.S. 6,067,561).

Skladman does not explicitly teach criteria provided by a system administrator. However, Dillon discloses: "Moreover, the e-mail notification may also be used to indicate to an e-mail alert service subscriber that his e-mail alert account is 'blocked' or disabled for administrative reasons," (lines 15-18 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have criteria provided by a system administrator. "In other words, an e-mail account is said to be blocked when the e-mail alert system simply will not provide the e-mail alert service subscriber with e-mail notifications," (lines 19-22 of column 4 in Dillon). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have criteria provided by a system administrator in the system as taught by Skladman.

7. Claims 12 and 43 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman and Bain as applied to claims 1 and 32, in view of Reed.

Skladman does not explicitly teach one or more of said criteria are metadata. However, Reed discloses: "Service objects and partner servers provide specialized data, metadata, and methods to providers and consumers to automate many common

communications services and transactions useful to both providers and consumers,”
(abstract).

It would have been obvious to have one or more of said criteria as metadata. “A combination of the provider and consumer programs and databases allows for additional functionality, including coordination of multiple users for a single database,” (abstract of Reed). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to have one or more of said criteria as metadata in the system as taught by Skladman.

8. Claims 13-14 and 44-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman and Bain as applied to claims 1 and 32 respectively, in view of McKinley (U.S. 4,926,326).

Skladman does not explicitly teach scrolling notifications and three-dimensional scrolling. However, McKinley discloses: “the message may silently crawl, pause, sequence, scroll up and down, zoom, blink, wipe on, and Venetian to mention other alternatives,” (lines 37-39 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have scrolling notifications and three-dimensional scrolling. “The message display system of the present invention is not only beneficial to the individual member of the general public of local user, but also may provide some entertainment and a form of amusement,” (lines 14-17 of column 4 in McKinley). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention

would have been motivated to have scrolling notifications and three-dimensional scrolling in the system as taught by Skladman.

9. Claims 16 and 47 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman and Bain as applied to claims 1 and 32 respectively, in view of Wong et al. (U.S. 5,542,115) hereinafter referred to as Wong.

Skladman does not explicitly teach providing a tactile indication to said user. However, Wong discloses: "if pager unit 22 is in a vibrate mode, microprocessor 80 outputs a signal which causes I/O interface 86 to issue a further signal to activate vibrator 95 (step 322)," (lines 58-61 of column 7)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a tactile indication to said user. "Notification to the user (either via beeper 94 and/or vibrator 95)" is the motivation for the addition of a tactile indication (lines 65-66 of column 7). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to provide a tactile indication to said user in the system as taught by Skladman.

10. Claims 17-18, 20, 22, 24, 29-30, 48-49, 51, 53, 55, and 60-61 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Bain and Lagimonier et al. (US PG Pub. 2003/0041265 A1) hereinafter referred to as Lagimonier.

a. As per claims 17, 29, 48, and 60, Skladman teaches: memory, processor, and program code (inherent in computerized e-mail system); receiving from one of said

nodes, one or more messages to be bypassed (abstract and lines 35-42 of column 2); displaying to said user one or more notifications corresponding to one or more of said messages to be bypassed wherein each of the messages to be bypassed to which said notifications correspond matches one or more specified criteria, wherein each of said notifications describes one or more of messages to which said notifications correspond (abstract and lines 35-42 of column 2).

Skladman does not explicitly teach: maintaining, receiving, and displaying are performed while a user interface of said node is displaying a screensaver. However, Bain discloses: "Included in the memory is a screensaver communications program. Part of the screensaver program is a display graphic for a dialogue box which may be displayed on a computer screen after a predetermined period of inactivity for the computer. The dialogue box may include designated areas for typing in information such as a title for the message, a name of a person leaving the message, as well as the message itself. The dialogue box may also be displayed for typing in a password such that the computer user may deactivate the screensaver and resume normal functions for the computer. Further, a hot key may be assigned on the keyboard for selective activation and deactivation of the screensaver function," (line 59 of column 1 through line 4 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the maintaining, receiving, and displaying performed while a user interface of said node is displaying a screensaver. "A connection may be provided between the screensaver program and the data network. E-mail functionality is incorporated into the program, and through use of this, e-mail

messages with a destination address may be transmitted by the screensaver program over the network. The screensaver program further includes the functionality to convert alpha-numeric messages typed in the dialogue box to the appropriate format for transmission," (lines 5-12 of column 2 in Bain). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the maintaining, receiving, and displaying performed while a user interface of said node is displaying a screensaver in the system as taught by Skladman.

Skladman does not explicitly teach: maintaining a number of authenticated connections to one or more nodes in said peer-to-peer environment. However, Lagimonier discloses: "Yet another aspect of the present invention provides for a system for processing messages in a peer-to-peer configuration. The system comprises a first peer configured to provide secure communication, a second peer configured to provide secure communication, and a secure communication module, where the secure communication module is configured to be executed by the first peer and second peer," (paragraph [0015] on page 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to maintain a number of authenticated connections to one or more nodes in said peer-to-peer environment. "The secure communication module is configured to compare the nonce value to a filter in response to a nonce value of a received packet not exceeding a largest nonce value yet seen and the secure communication module is also configured to compare the nonce value to a replay mask. The secure communication module is further configured to accept the received packet

in response to the comparison of the nonce value and the replay mask being false,” (paragraph [0015] on page 2 in Lagimonier). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to maintain a number of authenticated connections to one or more nodes in said peer-to-peer environment in the system as taught by Skladman.

b. As per claims 18 and 49, Skladman teaches one or more of the received messages to be bypassed correspond to one or more entities (abstract).

c. As per claims 20 and 51, Skladman teaches: two or more of said notifications are displayed simultaneously to said user (lines 44-49 of column 6 and Fig. 5).

d. As per claims 22 and 53, Skladman teaches: one or more of said notifications are textual notifications (lines 42-48 of column 1).

e. As per claims 24 and 55, Skladman teaches: said criteria are provided by said user (lines 21-34 of column 2).

f. As per claims 30 and 61, Skladman teaches: activating software corresponding to a selected notification (lines 20-34 of column 4).

11. Claims 19 and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Bain and Lagimonier as applied to claims 17 and 48 respectively, further in view of Kaars.

Skladman, Bain, and Lagimonier do not explicitly teach one or more of said messages correspond to chat. However, Kaars discloses: “A user who has installed an

IM program is set up for a communications service that enables to create a private chat room with another individual," (paragraph [0005] on page 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have messages corresponding to chat. "A chat room is a channel that creates a peer-to-peer communication data path, e.g., for text messaging or (PC) video conferencing. Typically, the instant messaging system alerts the user whenever another individual on the user's private chat list is online. The user can then initiate a chat session with that particular individual," (paragraph [0005] on page 1 in Kaars). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have one or more of said messages correspond to chat in the system as taught by Skladman and Lagimonier.

12. Claims 21 and 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Bain and Lagimonier as applied to claims 17 and 48 respectively, further in view of Reed.

Skladman, Bain, and Lagimonier do not explicitly teach displaying via a screensaver. However, Reed discloses: "Notification methods may trigger any method operation available to the consumer program 22. Other examples include sending messages to other applications running on the consumer machine 2; sending messages to the consumer's operating system to trigger dialog boxes or trigger other system events; creating or controlling a screensaver display on the consumer machine 2;

creating or controlling a background desktop graphic or set of graphics on the consumer machine 2; and sending voicemail to the recipient," (lines 17-26 of column 66).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to display via a screensaver. "Notification methods 141 can also be assigned to communications objects as a whole. For example, notification about new communications objects can be controlled through a NewObjectNotify method of the global preferences instance (103, FIG. 3). Described further above, the use of the NewObjectNotify method is illustrated in steps 704-706 of FIG. 15. Notification at the object level is also useful for certain communications object updates," (lines 30-37 of column 66 in Reed). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to display via a screensaver in the system as taught by Skladman and Lagimonier.

13. Claims 23 and 54 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Bain and Lagimonier as applied to claims 17 and 48 respectively, further in view of Reed.

Skladman, Bain, and Lagimonier do not explicitly teach one or more of said notifications are graphical notifications. However, Reed discloses: "Notification methods may trigger any method operation available to the consumer program 22. Other examples include sending messages to other applications running on the consumer machine 2; sending messages to the consumer's operating system to trigger dialog boxes or trigger other system events; creating or controlling a screensaver display on

the consumer machine 2; creating or controlling a background desktop graphic or set of graphics on the consumer machine 2; and sending voicemail to the recipient," (lines 17-26 of column 66).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have one or more of said notifications as graphical notifications. "Notification methods 141 can also be assigned to communications objects as a whole. For example, notification about new communications objects can be controlled through a NewObjectNotify method of the global preferences instance (103, FIG. 3). Described further above, the use of the NewObjectNotify method is illustrated in steps 704-706 of FIG. 15. Notification at the object level is also useful for certain communications object updates," (lines 30-37 of column 66 in Reed). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have one or more of said notifications as graphical notifications in the system as taught by Skladman and Lagimonier.

14. Claims 25 and 56 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Bain and Lagimonier as applied to claims 17 and 48 respectively, further in view of Dillon.

Skladman, Bain, and Lagimonier do not explicitly teach criteria provided by a system administrator. However, Dillon discloses: "Moreover, the e-mail notification may also be used to indicate to an e-mail alert service subscriber that his e-mail alert account is 'blocked' or disabled for administrative reasons," (lines 15-18 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have criteria provided by a system administrator. "In other words, an e-mail account is said to be blocked when the e-mail alert system simply will not provide the e-mail alert service subscriber with e-mail notifications," (lines 19-22 of column 4 in Dillon). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have criteria provided by a system administrator in the system as taught by Skladman and Lagimonier.

15. Claims 26 and 57 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Bain and Lagimonier as applied to claims 17 and 48 respectively, further in view of Reed.

Skladman, Bain, and Lagimonier do not explicitly teach one or more of said criteria are metadata. However, Reed discloses: "Service objects and partner servers provide specialized data, metadata, and methods to providers and consumers to automate many common communications services and transactions useful to both providers and consumers," (abstract).

It would have been obvious to have one or more of said criteria as metadata. "A combination of the provider and consumer programs and databases allows for additional functionality, including coordination of multiple users for a single database," (abstract of Reed). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have one or more of said criteria as metadata in the system as taught by Skladman and Lagimonier.

16. Claims 27-28 and 58-59 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Bain and Lagimonier as applied to claims 17 and 48 respectively, further in view of McKinley.

Skladman, Bain and Lagimonier do not explicitly teach scrolling notifications and three-dimensional scrolling. However, McKinley discloses: "the message may silently crawl, pause, sequence, scroll up and down, zoom, blink, wipe on, and Venetian to mention other alternatives," (lines 37-39 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have scrolling notifications and three-dimensional scrolling. "The message display system of the present invention is not only beneficial to the individual member of the general public of local user, but also may provide some entertainment and a form of amusement," (lines 14-17 of column 4 in McKinley). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have scrolling notifications and three-dimensional scrolling in the system as taught by Skladman and Lagimonier.

17. Claims 31 and 62 rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Bain and Lagimonier as applied to claims 17 and 48 respectively, further in view of Wong.

Skladman, Bain, and Lagimonier do not explicitly teach providing a tactile indication to said user. However, Wong discloses: "if pager unit 22 is in a vibrate mode,

microprocessor 80 outputs a signal which causes I/O interface 86 to issue a further signal to activate vibrator 95 (step 322),” (lines 58-61 of column 7)

It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to provide a tactile indication to said user. “Notification to the user (either via beeper 94 and/or vibrator 95)” is the motivation for the addition of a tactile indication (lines 65-66 of column 7). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to provide a tactile indication to said user in the system as taught by Skladman and Lagimonier.

Response to Arguments

18. (A) Regarding claims 1, 17, 32, and 48, the applicant contends that the prior art of record fails to teach: displaying a screensaver, capturing a visual state of said displaying, and displaying the captured visual state to the user. The examiner respectfully disagrees.

As to point (A), the applicant argues that there is no teaching in Bain that the dialog box is a captured visual state of the screensaver. The examiner points out that the dialog box is in fact part of the captured state of the visual display. It is implicit that the display be “captured” because, otherwise, it could not be displayed on a monitor. The instant application provides no definition of a “captured visual state of the screensaver” other than the extremely broad description on pages 16 and 17 of the specification. The description can easily be interpreted such that the act of capturing the current visual state of the screensaver or the like is doing nothing more than

displaying the screensaver or the like. As such, the rejection remains proper and is maintained by the examiner.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vong et al. (U.S. 7,030,837 B1) generally describes CPU functionality such as checking mail while running a screensaver.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35

U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER